

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-11323MLW

CRYSTAL A. ATHERTON and ROBERT W.
ATHERTON,

Plaintiffs

v.

CITY OF BEVERLY, WILLIAM F.
SCANLON, in his official and individual
capacity, and JOHN DUNN, in his official and
individual capacity,

Defendants

STIPULATION OF DISMISSAL WITH
PREJUDICE AS TO COUNT VII AND
COUNT VIII ONLY

Now come the parties to the above-captioned action, pursuant to Fed.R.Civ.P.

41(a)(1)(ii), and hereby stipulate and agree that only Count VII (Mass. G.L. c. 151B-Unlawful Discrimination on the Basis of Age and Gender against City of Beverly and William Scanlon) and Count VIII (Mass. G.L. c. 151B-Unlawful Discrimination on the Basis of Age and Gender against City of Beverly and William Scanlon) be dismissed with prejudice, without interest, costs, expenses or fees to any party.

All of the parties agree that this Stipulation of Dismissal has no effect upon other pending claims.

THE PARTIES DISMISSING THE WITHIN CLAIMS WAIVE ALL RIGHTS OF
APPEAL AND NOTICE.

PLAINTIFFS,
By their attorneys,

/s/ Jordan L. Shapiro
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